

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Buhner	Team: Squad #16	CCRB Case #: 201406773	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 07/04/2014 10:15 PM	Location of Incident: In front of § 87(2)(b) inside the 46th Precinct stationhouse	Precinct: 46	18 Mo. SOL 1/4/2016	EO SOL 1/4/2016	
Date/Time CV Reported Tue, 07/08/2014 10:57 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/08/2014 10:57 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas Kourounis	28949	954029	PBBX
2. LT Seth Lynch	00000	932932	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Laura Barbato	270	944350	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Seth Lynch	Abuse: In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch stopped § 87(2)(b)	§ 87(2)(b)
B.LT Seth Lynch	Abuse: In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch issued a summons to § 87(2)(b)	§ 87(2)(b)
C.LT Seth Lynch	Force: In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch struck § 87(2)(b) with a radio.	§ 87(2)(b)
D.LT Seth Lynch	Discourtesy: In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch spoke rudely to § 87(2)(b)	§ 87(2)(b)
E.LT Seth Lynch	Force: In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Nicholas Kourounis	Force: In the vicinity of § 87(2)(b) in the Bronx, PO Nicholas Kourounis tightly handcuffed § 87(2)(b)	§ 87(2)(b)
G.LT Seth Lynch	Discourtesy: In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch acted rudely toward an individual.	§ 87(2)(b)
H.LT Seth Lynch	Abuse: Inside the 46th Precinct stationhouse, Lt. Seth Lynch authorized the strip-search of § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

## Case Summary

On July 4, 2014, in front of § 87(2)(b) in the Bronx, at approximately 10:15pm, § 87(2)(b) observed two officers, identified via investigation as Lt. Seth Lynch and PO Nicholas Kourounis, arrive at the location. Shortly thereafter, fireworks were set off near the officers' vehicle. The officers exited and approached a crowd that had formed. According to § 87(2)(b) Lt. Lynch approached a man, identified via investigation as § 87(2)(b) and stopped him in regard to a nearby radio that was playing music (**Allegation A**). Lt. Lynch then placed § 87(2)(b) in handcuffs in order to take him to the stationhouse, where he was ultimately summonsed (**Allegation B**). Lt. Lynch placed § 87(2)(b) in the patrol car and allegedly threw the radio into the back of the car, hitting § 87(2)(b) on the arm (**Allegation C**).

Although § 87(2)(b) did not know § 87(2)(b) she protested his arrest because she allegedly knew the radio did not belong to him. Lt. Lynch allegedly told her to "Shut the fuck up" (**Allegation D**) and told the crowd to clear the area. After the first directive, § 87(2)(b) began to walk away, at which point Lt. Lynch told PO Kourounis to handcuff her. PO Kourounis placed a handcuff on § 87(2)(b)'s left wrist, and Lt. Lynch allegedly pushed her in the upper chest area with a closed fist, causing her to fall backwards into a chair (**Allegation E**). While still in the chair, PO Kourounis grabbed § 87(2)(b)'s left wrist and further tightened the handcuff (**Allegation F**). Lt. Lynch began to assist PO Kourounis, and again Lt. Lynch told her to "Shut the fuck up" (**within Allegation D**). Once both handcuffs were on, PO Kourounis allegedly tightened them further (**within Allegation F**). § 87(2)(b) alleged that she sustained injuries from both the handcuffing and the physical force allegedly used against her by Lt. Lynch. After she was in handcuffs, § 87(2)(b) allegedly witnessed Lt. Lynch kick over a grill belonging to a friend of § 87(2)(b) possibly damaging it (**Allegation G**). § 87(2)(b) was then transported to the stationhouse.

After arriving at the 46<sup>th</sup> Precinct stationhouse, a cursory search of § 87(2)(b) was conducted per procedure, and his keys and wallet were removed from his pockets. At this point, Lt. Lynch allegedly instructed PO Kourounis to strip search § 87(2)(b) (**Allegation H**). PO Kourounis allegedly took § 87(2)(b) to the bathroom, and instructed him to remove all of his clothing. § 87(2)(b), § 87(2)(a) CVR § 50-b § 87(2)(b). The strip search lasted approximately five to eight minutes, and there were no other officers present. § 87(2)(b) was released with a summons for unreasonable noise at approximately 6am, around the same time § 87(2)(b) was released with a summons for refusal to disperse.

This case was originally assigned to Inv. Keyne Villert, and was reassigned to the undersigned investigator on August 27, 2014.

### Mediation, Civil and Criminal Histories

- On March 16, 2015, a Notice of Claim inquiry was submitted to the New York City Office of the Comptroller, and the results will be added to the case file upon receipt (encl. 3V-3W).
- Due to § 87(2)(b) and § 87(2)(b)'s arrests, as well as § 87(2)(b)'s injuries and § 87(2)(b)'s strip search, neither was offered mediation.
- § 87(2)(b) has no prior criminal convictions (encl. 5P).
- § 87(2)(b)

§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2D).
- § 87(2)(b) did not file this complaint, and was unaware of it until he was contacted as a witness to § 87(2)(b)'s arrest. However, when contacted, he made CCRB allegations of his own. He does not have any prior CCRB complaints (encl. 2E).
- Lt. Lynch has been a member of the NYPD for 11 years, has had 28 previous CCRB allegations involving 10 cases with one substantiated allegation and one charge added by the NYPD, both in case #200900106. The substantiated allegation was for premises entered and searched; the Board recommended charges, and he received Command Discipline – B. The NYPD also added an allegation of force, for which he received Command Discipline - B. § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b) (encl.2A-2B).
- This is the first CCRB complaint against PO Kourounis during his two year tenure (encl. 2C).

### **Allegations Not Pleaded**

- § 87(2)(b) alleged that Lt. Lynch kicked over the radio that he believed to belong to § 87(2)(b) and as a result, it stopped playing music. However, § 87(2)(b) stated the radio was not on and did not belong to him, and there is no evidence that the radio was in fact damaged as a result. Therefore, a property damage allegation has not been pleaded.
- Although the investigation determined that the strip search was conducted by PO Kourounis, the allegation is being pled against Lt. Lynch, as he was listed as the authorizing supervisor in the Command Log, and § 87(2)(b) claimed that it was done under his direction.

### **NYPD Documents**

- The Command Log entry pertaining to § 87(2)(b) indicates that PO Kourounis was his arresting officer, and that a strip search was conducted and authorized by Lt. Lynch (encl. 5E).
- § 87(2)(b) was issued a summons by PO Kourounis for unreasonable noise, in which he states that he observed § 87(2)(b) operating a sound device for advertising purposes, and that it could be heard “from at least a block away”.
- PO Kourounis also issued a summons to § 87(2)(b) for Disorderly Conduct – Refusal to Disperse. He noted that he observed § 87(2)(b) on a public sidewalk and that she stated, “Why should we move, we didn’t do anything”.

### **Other Evidence**

- On July 16, 2014, § 87(2)(b) provided the CCRB with multiple, undated photographs of the injuries she allegedly received as a result of her arrest. She did not indicate when the photos were taken; however, in the photos, there is noticeable bruising on both her right and left upper arms, which appear to be in the shape of fingerprints. § 87(2)(b)  
§ 87(2)(b). At the time of her CCRB statement, her injuries were no longer visible.

### **Finding and Recommendations**

#### **Explanation of Subject Officer Identification**

- § 87(2)(b) provided descriptions of both officers, as well as provided the name “Lynch”, which she obtained from his name plate. § 87(2)(b) also provided a copy of the summons she was issued, as did § 87(2)(b). Both summonses were issued by PO Kourounis, who, according to the roll call, was partnered with Lt. Lynch on July 4, 2014. Both officers acknowledged interacting with § 87(2)(b) and § 87(2)(b) during their CCRB interview, although there are numerous contradictions and discrepancies between their testimonies.
- However, based on civilian and officer testimonies, as well as the findings of the investigation, **Allegations A, B, C, D, E, G, and H** are being pled against Lt. Lynch, and **Allegation F** is being pled against PO Kourounis.

## **Recommendations**

### **Allegation A—In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch stopped § 87(2)(b)**

### **Allegation B— In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch summonsed § 87(2)(b)**

It is undisputed that Lt. Lynch interacted with § 87(2)(b) on the incident date, though the circumstances pertaining to why § 87(2)(b) was arrested as a result remain in dispute.

§ 87(2)(b) stated that, after observing fireworks being set off, a number of the people in the street began to run. However, he remained where he was standing, and was soon approached by Lt. Lynch. § 87(2)(b) was standing near a radio, which he recalled was not on, and Lt. Lynch asked who it belonged to. § 87(2)(b) replied that it was not his, and he did not know who the owner was. Lt. Lynch then looked both ways, grabbed § 87(2)(b) and placed him in handcuffs. § 87(2)(b) did not resist in any way, and he was never asked for his identification prior to or after being placed in handcuffs. Lt. Lynch did not say anything to § 87(2)(b) prior to placing him under arrest, aside from the question regarding the radio. At no point did § 87(2)(b) touch the radio or make any indication that it belonged to him other than standing in its vicinity.

§ 87(2)(b) who did not know § 87(2)(b) observed the interaction between him and Lt. Lynch. She testified that the radio was on and playing music, and Lt. Lynch approached § 87(2)(b) and asked if it was his radio. § 87(2)(b) replied that it was not. At this point, a firework was lit, and Lt. Lynch ran to the location where it occurred, then returned to § 87(2)(b) in a “furious” manner. Without saying anything, Lt. Lynch then grabbed § 87(2)(b) and placed him in handcuffs. § 87(2)(b) did not resist in any way. § 87(2)(b) began protesting § 87(2)(b)’s arrest, because she knew the radio did not belong to him, though she was unable to state how she knew this or who owned the radio.

Lt. Lynch acknowledged that he approached and spoke to § 87(2)(b) but could not recall if he asked § 87(2)(b) if he was the owner of the radio. However, he determined § 87(2)(b) was the owner because he was standing next to it, and did not recall if § 87(2)(b) informed him that he was not the owner. Lt. Lynch could not recall if § 87(2)(b) ever touched the radio. Lt. Lynch could not recall who placed § 87(2)(b) in handcuffs, and did not elaborate on why he was handcuffed and taken to the stationhouse.

PO Kourounis provided contradictory details regarding the interaction with § 87(2)(b) and only recalled § 87(2)(b) after he was presented with a copy of a summons he issued to him. He then stated that he did observe § 87(2)(b) on the scene, and that he was with an electronic device that was emitting unreasonable noise. He further stated he did not interact with § 87(2)(b). However, he later stated that he asked § 87(2)(b) if it was his radio, but he could not recall § 87(2)(b)’s response. PO Kourounis

stated that Lt. Lynch possibly asked § 87(2)(b) if it was his radio, but that he could not recall with certainty. PO Kourounis testified that it was his decision to place § 87(2)(b) in handcuffs and take him to the stationhouse due to the crowd, with the intention to issue him a summons. However, he stated that he witnessed Lt. Lynch place § 87(2)(b) in handcuffs, and that § 87(2)(b) did not resist in any way.

§ 87(2)(b), § 87(2)(g)

In order to stop a person, an officer must have reasonable suspicion that the person is involved in a crime. People v. De Bour, 40 N.Y.2d 210 (1976). According to Patrol Guide Procedure 214-23 (encl. 1J-1K), unreasonable noise is defined as, “any excessive or unusually loud sound that disturbs the peace, comfort, or repose of a reasonable person of normal sensitivities, or injures or endangers the health or safety of a reasonable person of normal sensitivities, or which causes injury to plant or animal life, or damage to property or business”.

Furthermore, PG Section 214-23 delineates investigative steps are required in order to further determine that the noise is in fact unreasonable and constitutes a violation. When an officer hears or observes what he or she believes to be unreasonable noise, he or she must first interview the violator, and then determine if the noise is unreasonable. Certain factors must be taken into consideration when determining this, such as the ordinary noise level of the area, the time of day, and the character of the neighborhood, among others. The third step, once the violator has been interviewed and the noise is determined to be unreasonable, is to attempt to correct the condition by giving a warning. If the warning is insufficient, a summons will be issued to the violator, and the sound reproduction device is to be seized as evidence.

At the outset, it is clear that there was no reason to suspect § 87(2)(b) of any crime. Furthermore, based on their own statements, Lt. Lynch and PO Kourounis did not adhere to the procedure delineated above. Neither Lt. Lynch nor PO Kourounis could recall if they established that § 87(2)(b) was the owner of the radio. § 87(2)(b) testified that he denied he was the owner of the radio, and Lt. Lynch and PO Kourounis both stated that the only factor which led them to infer that § 87(2)(b) was the owner of the radio was that he was standing near it. Lt. Lynch stated that he was in, “100% complete custody and control” of the radio, but also testified that he never observed § 87(2)(b) touch the radio, and that § 87(2)(b) never admitted to owning the radio.

PO Kourounis initially denied even recalling § 87(2)(b) being present at the location, and provided conflicting statements regarding in what capacity he interacted with § 87(2)(b) and it remains unclear if he interacted with him at all. Despite this, PO Kourounis testified that it was him who made the decision to handcuff § 87(2)(b) and take him to the stationhouse. However, § 87(2)(b) testified that he did not speak with PO Kourounis on scene, and that he only interacted with Lt. Lynch.

Lt. Lynch, based on his own admission, did not establish if § 87(2)(b) was the owner of the radio, and therefore responsible for the unreasonable noise it was allegedly producing. Thus, summoning § 87(2)(b) based exclusively on the fact that he was standing in the proximity of the radio fails to meet any of the requirements set forth in the relevant Patrol Guide Procedure.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation C – In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch struck § 87(2)(b) with a radio.**

It is undisputed that a radio was recovered from the scene, and that it was transported to the 46<sup>th</sup> Precinct stationhouse and vouchered as evidence. § 87(2)(b), § 87(2)(g)

In his statement, § 87(2)(b) alleged that while he was sitting in the patrol car, Lt. Lynch threw the radio into the back of the car, striking him in the left arm. Lt. Lynch was evasive and unresponsive in describing the way he handled the radio, as indicated by the following exchange beginning at 22 minutes and 03 seconds into his CCRB interview:

**CCRB Investigator:** Did you take the radio and throw it in the back of the car, where the male individual was sitting?

**Lt. Lynch:** We removed it from the location.

**CCRB Investigator:** Ok, but did you throw it into the back of the car?

**Lt. Lynch:** Trunk?

**CCRB Investigator:** No, into the back of the car where the prisoner was...

**Lt. Lynch:** (interrupting) I put it in the back. I placed it in the back of the car.

**CCRB Investigator:** Ok, did it make contact with the male individual?

**Lt. Lynch:** I've never done that before.

**CCRB Investigator:** Never done what before?

**Lt. Lynch:** Hit somebody with an...no.

§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 203-11 states that officers must at all times use only the minimal amount of force necessary to gain compliance (encl. 1B-1C).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation D – In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch spoke rudely to**

§ 87(2)(b)

According to § 87(2)(b) she began protesting the arrest of § 87(2)(b). In response, Lt. Lynch told her to “Shut the fuck up” twice, and to clear the area. § 87(2)(b) complied, and as she walked away, she heard Lt. Lynch say, “Cuff her”. As she was being placed in handcuffs by PO Kourounis, Lt. Lynch again told her to “Shut the fuck up”.

PO Kourounis testified that he did not know if Lt. Lynch directed profanity at § 87(2)(b). Lt. Lynch did not recall if he used profanity with § 87(2)(b) and when asked if he was frustrated with § 87(2)(b) he reiterated that it was a hectic situation, but did not answer the question.

**Investigator:** When you were issuing instructions to § 87(2)(b) did you become frustrated at any point, like with her not complying?

**Lt. Lynch:** It was a hectic situation.

**Investigator:** Did you ever tell her to “shut the fuck up”?

**Lt. Lynch:** I don’t recall specifically.

Lt. Lynch did not deny directing profanity at § 87(2)(b) and when questioned regarding the circumstances of the incident, he repeatedly emphasized that it was a hectic situation. However, the only details he provided were that § 87(2)(b) was encouraging the crowd to not comply, yet he also stated that eventually, the crowd did disperse as directed. § 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 203-09 indicates that officers must be courteous and respectful when interacting with civilians (encl. 1L).

§ 87(2)(b), § 87(2)(g)

**Allegation E— In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that Lt. Lynch forcefully pushed her in her upper chest with a closed fist after she protested § 87(2)(b)’s arrest. PO Kourounis denied seeing Lt. Lynch ever touch § 87(2)(b).

Lt. Lynch ultimately denied that he pushed § 87(2)(b). However, in response to a question as to whether he had gotten frustrated with § 87(2)(b) during the incident, Lt. Lynch stated that, “It was a hectic situation”. He also claimed that § 87(2)(b) was loud, belligerent, and refused to comply with his directives to disperse during the incident.

Photos taken less than two weeks after the incident provided by § 87(2)(b) show finger-tip-shaped bruises on her upper arms, a small laceration on her index finger and redness in the middle of her chest.



§ 87(2)(b)'s statement, along with the photos and the repeated evasions contained in Lt. Lynch's statement, indicate by a preponderance of the evidence that Lt. Lynch used his fist to forcefully push § 87(2)(b) during the incident.

Patrol Guide Section 203-11 states that officers are required to use the minimum force necessary during a police incident.

Here, neither Lt. Lynch nor PO Kourounis gave any indication at all that force of any kind was needed to gain control of § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation F— In the vicinity of § 87(2)(b) in the Bronx, PO Nicholas Kourounis tightly handcuffed § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

In his testimony, PO Kourounis stated that he did not purposefully tighten her handcuffs while placing her under arrest. PO Kourounis did escort § 87(2)(b) to the patrol car and placed her inside, but he did not tighten her handcuffs while walking her to the car. Lt. Lynch could not recall if he or PO Kourounis placed § 87(2)(b) in handcuffs, and he did not recall § 87(2)(b) complaining that her handcuffs were too tight. He also did not recall telling § 87(2)(b) “Shut up, you should’ve walked when I told you”, upon her request for them to be loosened.

§ 87(2)(b) testified that after Lt. Lynch instructed PO Kourounis to handcuff her, he grabbed her left arm and handcuffed her left wrist. When she was pushed into the chair by Lt. Lynch, PO Kourounis still had a hold of her left wrist, and tightened the handcuff to keep her still. As PO Kourounis walked her to the patrol car, he purposefully tightened her handcuffs a second time, causing her movement to be further restricted. While inside the patrol car, she asked Lt. Lynch to loosen her handcuffs, and he responded, “Shut up, you should have walked when I told you”, and did not honor her request.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation G – In the vicinity of § 87(2)(b) in the Bronx, Lt. Seth Lynch acted rudely towards an individual.**

§ 87(2)(b) stated that at an unknown point during the incident, she witnessed Lt. Lynch kick over a grill belonging to an unidentified friend of § 87(2)(b)'s aunt. § 87(2)(b) did not know if the grill was damaged due to being kicked, and did not provide the name or contact information for the grill's owner.

PO Kourounis testified that he did know if individuals were barbequing on the incident date, and he did not witness Lt. Lynch kick over any grills. In his statement, Lt. Lynch could not recall if he kicked over any grills that day, but did note that it was a "hectic situation".

§ 87(2)(g)

**Allegation H – Inside the 46<sup>th</sup> Precinct stationhouse, Lt. Seth Lynch authorized a strip search of**

§ 87(2)(b)

It is undisputed that § 87(2)(b) was taken to the 46<sup>th</sup> Precinct stationhouse after being arrested by PO Kourounis and Lt. Lynch. § 87(2)(b), § 87(2)(g)

According to § 87(2)(b) he was brought into the stationhouse and remained near the desk, where his pockets were searched. His keys and wallet were removed from his jeans pockets, and these were the only items in his possession. After the cursory search was completed, Lt. Lynch instructed PO Kourounis to strip search § 87(2)(b). Prior to this, § 87(2)(b) did not reach inside his pockets or put his hands in his clothing. § 87(2)(b), § 87(2)(a) CVR § 50-b

§ 87(2)(b). The strip search lasted approximately five-eight minutes, and no other officers were present aside from PO Kourounis. Nothing was recovered from the search, and after it was completed, § 87(2)(b) was placed into a cell.

Lt. Lynch categorically and repeatedly denied that he authorized the strip search of § 87(2)(b) as well as denied that he instructed PO Kourounis to conduct the strip search. The Command Log entry was presented to Lt. Lynch, and § 87(2)(b)'s allegation was explained to him. Lt. Lynch's defense was that the entry was not in his handwriting, and when asked to explain how his name could appear as the authorizing supervisor if he was in fact not the authorizing supervisor, he instructed the investigator to contact the officer who made the entry.

PO Kourounis also denied that § 87(2)(b) was strip searched, denied that he conducted the strip search, and denied that he did so under the authorization of Lt. Lynch. Initially, PO Kourounis had no recollection of § 87(2)(b)'s presence in the stationhouse; however, he ultimately stated that he did observe § 87(2)(b) in the stationhouse, that he was the one who obtained his pedigree information.

Sgt. Barbato did not have an independent recollection of the incident. She was presented a copy of the Command Log entry pertaining to § 87(2)(b) and she confirmed that she wrote the entry. Sgt. Barbato did not recall hearing Lt. Lynch authorize the strip search of § 87(2)(b) nor see § 87(2)(b) being taken to be strip searched. She did not independently recall a strip search being conducted on that date; however, she stated that she would not have made the entry had the strip search not occurred. At no point did Sgt. Barbato discuss a strip search with either Lt. Lynch or PO Kourounis.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). The Command Log entry pertaining to § 87(2)(b)'s strip search unmistakably lists him as the authorizing supervisor and according to his own testimony, the desk sergeant would not have the authority to name him as the authorizing supervisor unless he in fact authorized the strip search. Furthermore, Sgt. Barbarto, who was assigned to the desk at the time, reiterated that she would have only made the entry had a strip search occurred.

Patrol Guide Procedure 208-05 (encl.1D-1F), a strip search may only be conducted with the knowledge and approval of the arrest officer's immediate supervisor, and cannot be conducted regularly in association with an arrest. The Patrol Guide also stipulates that a strip search "will not be conducted after a decision is made to void an arrest or to release the prisoner immediately upon issuance of a summons". Ultimately, the supervising officer is accountable for ensuring the search is conducted appropriately.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

Team: \_\_\_\_\_

Investigator: _____	_____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date